

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIAM GALLAGHER, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

EMPIRE HEALTHCHOICE ASSURANCE,
INC., d/b/a EMPIRE BLUECROSS
BLUESHIELD,

Defendant.

Civ. No. 1:16-cv-09105-PGG

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed Memorandum of Law dated October 11, 2017 and all other papers and their annexed exhibits, and all proceedings herein, Defendant Empire HealthChoice Assurance, Inc., d/b/a Empire BlueCross BlueShield will move this Court, before the Honorable Paul G. Gardephe, Thurgood Marshall United States Courthouse, 40 Foley Square New York, NY 10007, Courtroom 705, for an Order pursuant to Fed. R. Civ. P. 12(b)(6) dismissing Plaintiff's Complaint, striking Plaintiff's jury demand and for such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to this Court's order dated September 18, 2017, any opposing affidavits and memoranda of law shall be served on or before November 1, 2017, and any reply affidavits and memoranda of law shall be served on or before November 8, 2017.

Dated: New York, New York

October 11, 2017

s/Samuel Kadosh

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